

May 26, 1994

Mr. David A. Muntean  
Assistant Director of Law

Dear Mr. Muntean,

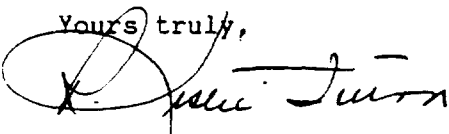
Since my letter to you on May 17th I've done some research into the Warner Cable Home Terminal. Through their own equipment demonstrations they have shown that the primary function of the Home Terminal is to allow their subscribers to order pay-per-view features (movies, concerts, boxing events, etc.) without the use of their telephone.

Currently, if you want to subscribe to one of these features, you place a telephone call to Warner Cable. How your call is handled is based on whether you are calling from a touch-tone or rotary dial phone. In either case, Warner Cable needs a bank of business telephone lines to receive these calls. With the Home Terminal in place these requests will be forwarded over their own coaxial TV cable. No need for telephone lines, and no need for people to answer those calls. So, the introduction of the Home Terminal is not only a source of additional revenues, it is also a method for substantial reduction in operating costs. Warner Cable is scrambling channels to make the Home Terminal necessary. The scrambled channels achieve nothing else for them.

Unfortunately, every subscriber, whether or not they subscribe to these pay-per-view features, must pay for the Home Terminal. The cost is not only in cash, but in the inconvenience of using the Home Terminal. For instance, if I want to tape a TV show I need three (3) remote control units. One for the TV, one for the Home Terminal (the Home Terminal must be programed before you program the VCR), and one for my VCR. Also, you cannot enter a channel selection directly (press 3, press enter). Now you must bring up on the screen a list of available channels, and scroll through the list until you come to the channel you want. You then press enter.

I hope you can convince Warner to not scramble the channels, but I don't think you'll be successful. I think the least the City should insist on is that Warner Cable provide each subscriber with one (1) Home Terminal unit --- free of charge. The subscriber would pay for additional units. If Warner Cable will not agree to that, the City should then make them lower the basic cable rate by \$3.60 per month. You know, there are a lot of poor and retired people out there who will not be able to afford another \$4.00 to \$7.00 per month for cable service, and their cable TV is the only source of entertainment they can afford.

Yours truly,



R. Leslie Felton

cc: J. Frank

May 25, 1994

Mayer Paul Warzinski  
City of Tallmadge  
46 North Avenue  
Tallmadge, Ohio 44278

Dear Sir,

I am writing to urge you to resist  
Warner Cable's "BLACK BOX" plans for  
cable television for the City of Tallmadge.

I am appalled at the silence on this issue  
coming from the City administration. I think  
it is time long past to hear support for  
the city population.

I have been living in Tallmadge for 32 years  
and am retired. I think it is a wonderful  
place to live and hope to stay here as long  
as I can afford to.

In case anyone is interested, I will either  
cancel my Warner Cable service or accept only  
the minimum basic service.

Sincerely,

42 Earlawn Drive  
Tallmadge, Ohio 44278  
633-5620

J. C. Blackwell

cc: Presidents of City Council

MAY 24, 1994  
GLEN A. LUNDY

MAYOR PAUL WARZINSKI

SOMEONE SHOULD STAND UP FOR THE  
BEST INTERESTS OF TALLMADGE RESIDENTS

I HAVE BEEN WITH WARNER CABLE FOR  
ALMOST ONE YEAR - SUBSCRIBING TO THE  
BASIC SERVICE THAT DOES NOT REQUIRE  
A CHANNEL BOX. MY TELEVISION SET AND  
VCR IS NEW AND COMPLETELY CABLE READY  
USING ONE REMOTE FOR ALL.

I HAVE NEVER COMPLAINED ABOUT THE  
\$23.50 PER MONTH SERVICE RATE THAT INCLUDES  
BASIC CHANNELS PLUS CNN, AMC AND TNT.

NOW WARNER PLANS TO INSTALL ONE  
OR TWO "BOXES" WITH ADDITIONAL REMOTES,  
AT A HIGHER SERVICE RATE TO IMPROVE  
MY SERVICE.

AS A SENIOR CITIZEN I ENJOY CABLE  
BUT ABSOLUTELY DO NOT WANT THE NEW  
BOX. AS MUCH AS I WILL MISS CNN, TNT  
AND THE OTHER CHANNELS I WILL BE FORCED  
TO GO BACK TO THEIR SO CALLED BASIC  
(14) CHANNELS OR CANCEL ALTOGETHER.

PLEASE TRY TO SERVICE THE BEST INTERESTS  
OF TALLMADGE RESIDENTS.

CC: PRESIDENT COUNCIL

Glen A. Lundy  
507 FERNWOOD AVE  
TALLMADGE

2570 Shoreline Drive A-10  
Akron, Ohio 44314

Federal Communications Commission  
Attention: Cable Programming Service Rate Complaint  
P.O. Box 18958  
Washington, D.C. 20036

Dear Sirs:

Attached is a completed form FCC 329 in regard to a soon to be implemented, increase in my Cable TV charges.

Warner Cable of Ohio has chosen to institute a price increase. I suspect the reasons are merely a method to circumvent the "price controls" imposed by our illustrious Congress.

However, this increase provides no tangible improvement in the Cable TV product. It also is a backward step in technology, requiring a converter box in place of the cable ready system of my television. This concept is at least twenty years old.

I object to having a price increase under these circumstances. Let's open up some competition and let the market-place work. Regulation is not the answer.

Sincerely,

*Harry F. Bader* 6-6-94  
Harry F. Bader

**CABLE PROGRAMMING SERVICE RATE COMPLAINT FORM**

1. PLEASE READ THE ATTACHED INSTRUCTIONS BEFORE COMPLETING THIS FORM

Your Name <i>HARRY F. BADER</i>		Street Address <i>2570 SHORELINE DR. A-10</i>	
City <i>AKRON</i>	State <i>OH</i>	Zip Code <i>44314</i>	Daytime Phone Number (optional) <i>216-434-6666</i>

2.

Franchising Authority Name <i>CITY OF AKRON</i>		Street Address <i>166 S HIGH ST</i>	
City <i>AKRON</i>	State <i>OH</i>	Zip Code <i>44308</i>	The name of your franchising authority should appear on your cable bill. If not, contact your cable company or local government for this information.

3.

Cable System Name <i>WARNER CABLE - AKRON</i>		Street Address <i>PO BOX 9905</i>	
City <i>CANTON</i>	State <i>OH</i>	Zip Code <i>44711-0905</i>	If you are complaining about the rates charged by more than one cable system, you must complete and file a separate FCC Form 329 for each system.

4. What is the FCC's community unit identifier for your cable system?  
This is a two letter abbreviation followed by four numbers -- for example,  
PA0000 -- that should appear on your cable bill. If it does not, leave this space blank.

<i>O</i>	<i>H</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>6</i>
----------	----------	----------	----------	----------	----------

5. Have you previously filed a complaint against this cable system?

☐

Yes, on

☒

No

--	--	--

MONTH DAY YEAR

If yes, was your complaint returned to you by the FCC  
with a request for additional information?

☐

Yes, on

☐

No

--	--	--

MONTH DAY YEAR

6. A rate increase may occur when your cable company increases the price for your cable programming service and/or changes the number or types of channels you receive. Complaints about rate increases for cable programming services or related equipment must be received by the FCC within 45 days from the date you first received a bill showing the rate increase. (There is one exception to this rule. If you are challenging a rate that was in effect on September 1, 1993, you have until February 28, 1994 to file a complaint about that rate.)  
Late-filed complaints will be returned and your cable company will not be required to file a response to your complaint, so be sure to file your complaint within 45 days of the first time your bill includes the rate increase.

When did you first receive a bill reflecting the rate increase you are complaining about?  
(If you are complaining about a rate in effect on September 1, 1993, please enter "9/1/93" in this box.)

<i>5</i>	<i>-6</i>	<i>94</i>
----------	-----------	-----------

MONTH DAY YEAR

*BILL NOT YET REC'D*  
*HOWEVER ATTACHED NOTICE REC'D*  
*-over-*

7 What is your current monthly rate for cable programming service?

\$ 23.63

If you are complaining about a rate increase, what was your previous monthly rate for cable programming service?

\$

RATE to be 27.23

8 Have any channels been added to or dropped from your cable programming service since your last bill?

a. Yes, channels have been added

☒

b. Yes, channels have been dropped

☒

c. No, there has been no change

☐

9. If you are a cable subscriber, you must attach a copy of your current cable bill or we will not be able to process your complaint. You may attach a copy of your previous cable bill as well; however, this is not required.

10. You may attach any additional comments or explanations to this form.

11. You must send copies of this complaint, your cable bill and any additional comments to your cable company and to your local franchising authority at the addresses you listed above by first class mail, postage prepaid, on the same date you sent this complaint to the FCC. If you do not send the copies, your cable company will not be required to respond and we will not be able to process your complaint.

On what date did you send the copies?

6 6 94

MONTH DAY YEAR

12. By signing this form, I certify:

- a. That to the best of my knowledge, the information supplied on this form is true and correct; and
- b. That I am sending a copy of this complaint, including a copy of my cable bill and any additional comments, to the cable company and the local franchising authority at the addresses listed above via first class mail, postage prepaid.

This form must be signed or we will not be able to process your complaint.

Henry J. Bader June 6, 1994  
Signature Date

13. Mail or FAX the original signed copy of this completed form, with a copy of your cable bill and any additional comments, to:

Federal Communications Commission  
Attention: Cable Programming Service Rate Complaint  
P.O. Box 18958  
Washington, D.C. 20036

FAX Number: (202) 416-0885  
(For FCC Form 329 ONLY)

Remember also to mail copies of the form, with a copy of your cable bill and any additional comments, to your cable company and your local franchising authority.

YOUR PARTICIPATION IS CRITICAL TO THE IMPLEMENTATION OF THE CABLE ACT.  
YOUR INVOLVEMENT IS GREATLY APPRECIATED!

May 1994

Dear Valued Warner Cable Customer:

During the past several months we've been hard at work installing a state-of-the-art, fiber optic cable system in your neighborhood. Thanks to this new technology, you can look forward to enhanced picture quality, reduced service interruptions, and an increase in the number of channels we offer.

And now we're ready for the next exciting phase of our expansion.

1. On May 10, 1994, your channel line-up will change. (See the reverse for new line-up.) Plus, we've added The Weather Channel to your existing channel line-up at no extra charge!
2. Soon, a Warner Cable representative will contact you about installing a new Cable TV converter box, or "Home Terminal." Every TV set that's connected to services above Basic Service (Channels 2-14) will require one.
3. Each home terminal will be leased to you for only \$3.45 per month. In addition, a remote control will be available for just 15¢ per month plus tax. The Home Terminal and the remote control will be conveniently itemized on your cable bill, replacing your current equipment charges.

The Home Terminal has many exciting new features to make your cable viewing easier and more enjoyable.

1. On Screen Program Guide. The on-screen guide lists programs airing in the next twelve hours by 15 different categories: sports, movies, talk shows, etc. And, when you highlight the program you want to see, the Home Terminal automatically tunes to the appropriate channel!
2. Pay Per View. The Home Terminal allows you to order pay per view movies and events with the touch of a button! It's easy, convenient and delivers your selection instantly.
3. Volume Control And Mute. The Home Terminal makes any TV capable of volume control and muting at the touch of a button!

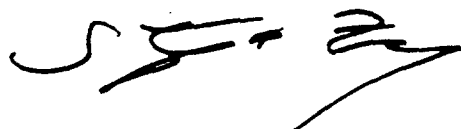
Other features of the Home Terminal include increased parental control capabilities, favorite channel recall, and an on screen channel line-up which lists the channels by name and channel number.

This is definitely an exciting time in the communications industry. Within the next 30 days, many new entertainment and information services will be at your fingertips - making your cable system one of the most innovative and advanced systems in the country.

Now, you and your family will have the power to choose the television services that are right for you.

At Warner Cable, we're bringing the future of television home to Greater Akron.

Sincerely,



Stephen R. Fry  
President, Northeast Ohio Division



**WARNER CABLE**

*Great Performances. Every Day.*

ER CABLE

ACCOUNT NUMBER  
01951-909576-04-9

BILLED FROM: BILLED TO: DATE DUE RECEIVED BY  
4/15/94 5/15/94 05/03/94 4/07/94

2570 SHORELINE DR APT A10

WE APPRECIATE YOUR PROMPT PAYMENT!  
A 5% LATE CHARGE IS APPLIED FOR  
PAYMENTS RECEIVED AFTER DUE DATE.

5 BEGINNING BALANCE 23.63

9 PAYMENT THANK YOU 23.63-

5- 5/15 CABLE SERVICE

BASIC SERVICE \$8.75

STANDARD TIER \$11.44

WTBS, AMC, DSCVRY \$2.31

TOTAL

5- 5/15 FRANCHISE FEE 1.13

5 BALANCE DUE 23.63

APR 15 THRU MAY 15, 1994

IMPORTANT PHONE NUMBERS

TO ORDER PAY-PER-VIEW 633-1234

24-HOUR REPAIR SERVICE 633-1875

ACCOUNT BALANCE INQUIRY 633-7585

TDD(HEARING IMPAIRED) 1-800-232-0833

TO ADD/CHANGE SERVICE 633-9044

CUSTOMER SERVICE/BILLING 633-1839

BRITTAIN RD. LOBBY OPEN UNTIL  
7PM MON-FRI AND 5PM SAT.

R FRANCHISE AUTHORITY: CITY OF AKRON, 166 S. HIGH ST.  
ON, OH 44308 FCC ID #0H0006



Robert F. Linton  
333 N. Portage Path, #4  
Akron, Ohio 44303

June 29, 1994

Councilman John Frank  
City of Akron

Dear Mr. Frank:

I am enclosing a form letter dated Tuesday, June 14, 1994 from Warner Cable. From what I have read in the newspaper, Warner claims that somehow it is technologically required that we subscribe to some new service and box that they offer. I don't know how this can be since I have had the multi-channel service that I've always had for several months. So, at least from my observation appears they can easily continue the "old service".

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Linton', written over a horizontal line.

Robert F. Linton  
Dissatisfied Customer

WARNER CABLE  
1855 BRITTAIN ROAD  
AKRON OH 44310  
633-1939



TUE JUN 14, 1994  
125935- 1

DEAR R LINTON

SEVERAL WEEKS AGO YOU RECEIVED A LETTER ABOUT THE MAJOR IMPROVEMENTS WARNER CABLE IS MAKING IN YOUR NEIGHBORHOOD. TO RECEIVE ANY SERVICES ABOVE BASIC SERVICE, YOU MUST HAVE A NEW HOME TERMINAL INSTALLED ON YOUR TV SET. WE HAVE TRIED SEVERAL TIMES TO CONTACT YOU TO ARRANGE INSTALLATION WITHOUT SUCCESS.

UNLESS WE INSTALL THE TERMINAL IN YOUR HOME BY TUE JUN 23, 1994, YOUR CABLE SERVICE WILL BE RESTRICTED TO CHANNELS 2 - 14. THEREFORE, IT'S VERY IMPORTANT THAT YOU MAKE ARRANGEMENTS FOR THIS INSTALLATION. PLEASE CALL OUR OFFICE AT 633-9044 BETWEEN 5PM AND 9PM, MONDAY THROUGH FRIDAY, TO ARRANGE A CONVENIENT INSTALLATION APPOINTMENT.

THANK YOU FOR YOUR ATTENTION.

CAR-RT SORT \*\*CR 22  
R LINTON  
333 N PORTAGE PATH LOT 4  
AKRON OH 44307 HZ50

Robert F. Linton  
Dissatisfied Customer

2570 Shoreline Dr., Apt. A-10  
Akron, Ohio 44314  
July 4, 1994

Federal Communications Commission  
Attn: Cable Programming Service Rate Complaint  
P.O. Box 18938  
Washington, D.C. 20036

Reference: The attached letter - Warner Cable to F.C.C., June 24, 1994

Dear Sirs:

The referenced letter with 32 pages of Form 393 does not address the issue.

The issue is:

- o-Warner Cable intends to force a converter upon its customers and then charge them extra for that inconvenience.
- o-I do not need a converter since I now receive the channels I require without a converter. I am unable to view premium channels, for which I do not pay, again without a converter. This is as it should be.
- o-The technology to accomplish this has been in place since I became a Warner customer in 1990. It, therefore, is illogical to say that a converter is now required. Requiring a converter is definitely not a technology advance.
- o-Price increases due to changes in the economy and increases in the cost of doing business are understandable. However, tying an increase to an unneeded and unwanted converter is ridiculous.

I would appreciate the issue being addressed without sending me 32 pages of bureaucratic bumph.

Sincerely,



Harry F. Bader  
Vice President, Latex Services

cc: Stephen R. Fry - Warner Cable  
City of Akron

7-2-94

MR. MUNTZAN —

GOOD TO SEE IN BIRACON  
JOURNAL THAT YOU ARE  
LOOKING INTO THE AKRON WARMS  
CABLE TV CONVERTER  
TERMINAL BOX PROBLEM.

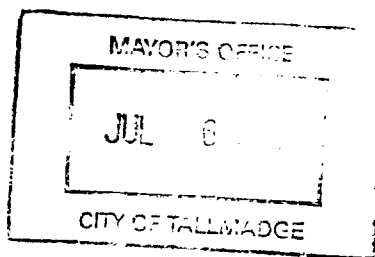
— I FIND OUR TV HANDLES  
CABLE NUMBERS 2-36

— ONE VCR 1-99

— OTHER VCR 2-13 AND 14-69  
IN STORE, THE OTHER DAY — I  
SEE NEW TV HAVE, ROUTINELY  
1-181 OR WAS IT 2-180 — WELL.  
I SAY THEY DON'T NEED TO  
SCRAMBLE JACK.

THANKS, Dick

ENCLOSURE  
COPIES FOR  
YOUR INFO



July 5, 1994

Mayor Warzinski  
46 North Avenue  
Tallmadge, Ohio 44278

Dear Sir:

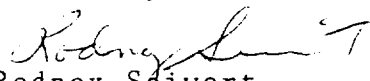
I want to protest the new Cable T.V. convertor box. In order for me to continue my present quality of service (basic and standard service) plus have the ability to watch one program and tape another, it will cost another \$7.00 for two convertor boxes.

It would appear to me that under this set up, I gain absolutely nothing, my cost increases 30%, I have the ugly mess of two convertor boxes piled atop my T.V., and another remote control.

Think about it. My cost is up 30%, my level of service decreases, and I have more junk to pile on my television. It makes me very, very angry just thinking about it!

I DO NOT WANT interactive cable and I DO NOT WANT THIS OUTRIGHT SCAM'!!!

Sincerely,

  
Rodney Seiwert  
180 West Garwood Drive  
Tallmadge, Ohio 44278

July 13, 1991

Mr. Mr. Muntean.

This letter is to register my complaint about Warner Cable of Akron. Now that I have up-dated my television and VCR to be cable ready, they are forcing us to have cable boxes (at \$3.60 per month each) and are scrambling most of the channels.

I hope that when the FCC answers the complaint filed by Akron and other cities, they will help us to get rid of the cable boxes. Very Truly

Mrs. Carol Weissberger  
1697 Brookwood Rd  
Akron, Ohio 44313

**DEPARTMENT OF LAW**  
202 Ocseck Government  
Office Building  
161 South High Street  
Akron, Ohio 44308-1655  
(216) 375-2030  
FAX (216) 375-2041

**MAX ROTHAL**  
Director of Law

**James E. Payne**  
Deputy Director of Law

**CIVIL DIVISION**

Patricia Ambrose Rubright  
Elaine B. Davidson  
George A. Bozeka  
Bruce H. Christensen, Jr.  
Deborah M. Fortia  
David A. Muntean  
Kathryn W. Pascover  
J. Christopher Reece  
Laura A. Killian  
Janet M. Ciotola  
Assistant Directors of Law

**INCOME TAX DIVISION**

**James F. Harrill**  
Assistant Director of Law  
(216) 375-2290

**CRIMINAL DIVISION**

**Douglas J. Powley**  
Chief City Prosecutor

**Thomas M. DiCaudo**  
Chief Assistant Prosecutor

**Charles R. Quinn**  
**Patrick Michael Summers**  
Police Legal Advisor

Rhonda L. Hendricks  
Suzanne L. Stephens  
Gerald K. Larson  
Tracy D. Stoner  
Bruce D. Kelley  
Tracie L. Sims  
Brian J. Zwaig  
John A. Mascolo  
Assistant Directors of Law



**Donald L. Plusquellic**  
Mayor

June 22, 1994

William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Mr. Caton:

The enclosed is submitted on behalf of the City of Akron, Ohio, and numerous surrounding municipalities specified in the enclosed filing (collectively "Akron Area Cities") pursuant to the Federal Communications Commission's (FCC) request for comments on the March 18, 1994 Petition for Declaratory Ruling filed by the Committee on Science, Technology and Energy of the New Hampshire House of Representatives ("the Committee"). This Petition seeks a ruling regarding local franchising authorities' rights concerning cable television signal scrambling and converter box implementation by cable operators. The Akron Area Cities support the powers granted to franchising authorities as provided in the legislation enacted by the New Hampshire House of Representatives and urge the FCC to rule that such authority is not preempted by its rules or federal law. Additionally, the Akron Area Cities support an establishment of a federal prohibition on the scrambling of any regulated cable service irrespective of whether such authority is contained in the operative franchise agreement since numerous municipalities throughout the United States are now faced with the complexities of dealing with this issue and protecting the public interest. Evidence in support of both activities is contained in the enclosed documents.

The original and nine (9) copies are enclosed. A copy of our Comments has been served on Warner Cable Communications, the Committee and another copy has been sent to Kathleen Franco at the FCC's Cable Services

William Caton letter  
Date: June 22, 1994  
Page 2

Bureau. Please contact me at the above address and telephone number if additional information is needed to properly evaluate the enclosed materials.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Muntean".

David Muntean, Esq.  
Assistant Law Director

Enclosure

DAM:keh



Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Petition for Declaratory	)	
Ruling Concerning Preemption	)	
of State Restrictions on	)	Public Notice No. 43173
Cable Operators' Use of Converter	)	
Boxes, Scrambling, Encryption	)	
or Digital Technology	)	

COMMENTS OF THE CITY OF AKRON, OHIO,  
AND SURROUNDING MUNICIPALITIES  
(COLLECTIVELY "AKRON AREA CITIES")

David Muntean, Esq.  
Assistant Law Director

The City of Akron  
161 South High Street  
202 Ocasek Building  
Akron, Ohio 44308-1655  
(216) 375-2030

For the Akron Area Cities

Dated: June 22, 1994

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Petition for Declaratory	)	
Ruling Concerning Preemption	)	
of State Restrictions on	)	Public Notice No. 43173
Cable Operators' Use of Converter	)	
Boxes, Scrambling, Encryption	)	
or Digital Technology	)	

**COMMENTS OF THE CITY OF AKRON, OHIO,  
AND SURROUNDING MUNICIPALITIES  
(COLLECTIVELY "AKRON AREA CITIES")**

On March 18, 1994, the Committee on Science, Technology and Energy of the New Hampshire House of Representatives ("the Committee") filed a Petition for Declaratory Ruling with the Federal Communications Commission ("FCC" or "Commission"). This Petition seeks a ruling from the Commission regarding the validity, under federal law, particularly the Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act") and FCC rules, of legislation known as HB 1342 adopted by the New Hampshire House of Representatives. Specifically, the Committee focuses on two questions in its Petition. First, do the 1992 Cable Act or relevant FCC rules preempt the provision of HB 1342 that prohibits cable operators from requiring consumers to obtain converter boxes for the receipt of cable services unless such a requirement has been approved by the local franchising authority? Second, do the 1992 Cable Act or relevant FCC rules preempt the provision of HB 1342 that authorizes local franchising authorities to include provisions in franchise agreements that condition or restrict the use of scrambling, encryption, digital transmission, converter boxes and other electronic interfaces in order to receive cable services?

The communities of Akron, Barberton, Stow, Tallmadge, Fairlawn, Mogadore, Silver Lake, Doylestown, and Springfield Township, Ohio (hereinafter "Akron Area Cities") are interested parties in this proceeding based on their ongoing dispute with Warner Cable of Greater Akron ("Warner") over the recent scrambling of cable programming services in the upgraded portions of Warner's Akron Area franchised systems. Additionally, the communities of Cuyahoga Falls, Munroe Falls, Wadsworth Township, Lakemore and Norton, Ohio will also be impacted. The details of this dispute are described in the Comments and Informal Request for Commission Action (enclosed herewith as Appendix A) which have been filed concurrently with the Commission by the Akron Area Cities as part of the expanded record the FCC seeks in ET Docket No. 93-7. In its Comments and Informal Request for Commission Action, Akron Area Cities request that the Commission act now to federally prohibit the scrambling of cable programming services because of the extremely detrimental effects of such scrambling on consumers in the Akron Area Cities and all across the country. However, if it is made clear that local franchising authorities have the unilateral capability to prohibit scrambling on their own, then the Akron Area Cities could take immediate action to counter the detrimental effects of Warner's current scrambling action, while the Commission continues to deliberate the issue from a federal perspective.

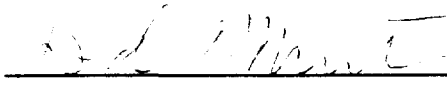
Accordingly, Akron Area Cities support a favorable ruling by the FCC in this proceeding that would stipulate that the provisions of HB 1342 are not preempted by the 1992 Cable Act or FCC rules, if such a ruling is broadly drawn. Specifically, Akron Area Cities believe that the Commission should clearly state in a favorable ruling that any local

franchising authority may take such action as necessary, under the broad consumer protection powers contained in applicable law and agreements, to address consumer electronic interface problems that detrimentally affect consumers. Conversely, the Commission should not narrowly craft a ruling that would only apply in a case such as that described by the Committee, where local authority to address interface issues would first be conferred by the state and where scrambling prohibition provisions would need to be included as part of the initial grant, renewal or renegotiation of a franchise. While such a narrowly crafted ruling may aid localities in New Hampshire, it would not allow local franchising authorities throughout much of the rest of the nation to take the types of actions needed in their own particular situations to similarly protect consumers. Instead, the Commission should broadly craft a favorable ruling that confers unilateral authority on all local franchisors, similar to their current powers regarding customer service standards. In this way, when a specific problem is documented, the local government can use its own regulatory process to adopt and enforce requirements that immediately resolve the problem to the benefit of consumers.

In the case of the Akron Area Cities, such a broadly drawn ruling would allow them to move immediately to resolve the significant consumer problem described in Appendix A, for the benefit of Akron Area cable subscribers. Other communities around the country would similarly benefit. Consequently, by quickly taking the broad action supported by the Akron Area Cities in these comments, the Commission will provide immediate benefits, not only to New Hampshire consumers, but to cable subscribers everywhere.

Respectfully Submitted,

City of Akron for Itself  
and on behalf of Akron Area Cities

By:   
David Muntean, Assistant Law Director

The City of Akron  
161 South High Street  
202 Ocasek Building  
Akron, Ohio 44308  
(216) 375-2030

**APPENDIX A**

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Implementation of Section 17	)	
of the Cable Television	)	
Consumer Protection and	)	
Competition Act of 1992	)	ET Docket No. 93-7
	)	
Compatibility Between	)	
Cable Systems and Consumer	)	
Electronics Equipment	)	

**COMMENTS AND INFORMAL REQUEST FOR COMMISSION ACTION BY  
THE CITY OF AKRON, OHIO, AND SURROUNDING MUNICIPALITIES  
(COLLECTIVELY "AKRON AREA CITIES")**

**David Muntean, Esq.  
Assistant Law Director**

**The City of Akron  
161 South High Street  
202 Ocasek Building  
Akron, Ohio 44308-1655  
(216) 375-2030**

**For the Akron Area Cities**

**Dated: June 22, 1994**

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## SUMMARY

In its First Report and Order, in ET Docket No. 93-7, the Federal Communications Commission ("FCC" or "Commission") issued regulations designed to enhance the compatibility between cable systems and subscribers' consumer electronics equipment, including a rule to prohibit scrambling on the statutory basic tier. As described herein, the communities of Akron, Barberton, Stow, Tallmadge, Fairlawn, Mogadore, Silver Lake, Doylestown, and Springfield Township, Ohio (collectively, "Akron Area Cities") urge the Commission to act immediately to extend such a scrambling prohibition to all regulated tiers.

The Commission has stated that it wishes to wait for an expanded record before deciding whether to ban scrambling on the cable programming service tier(s). Akron Area Cities, however, show in these Comments that this delay in extending such a prohibition is having serious detrimental effects on cable subscribers in the Akron Area and countless other jurisdictions. Further, this document indicates that the typical cable operator argument that expanded basic scrambling is absolutely needed to comply with the tier buy-through prohibition and deter signal theft is not dispositive, and instead shows that scrambling of the cable programming service tier(s) actually serves to drive revenue opportunities for the operator, is not in the public interest and creates numerous related problems of public concern. Based on this, the Akron Area Cities conclude that it would best serve the public interest if the Commission immediately acts to prohibit scrambling of all regulated service tiers in the Akron Area and all other affected cable systems. Many franchises throughout the country which were written a number of years ago do not give the franchising authorities the right to prohibit scrambling of regulated service tiers. Thus a general prohibition needs to be adopted by the FCC regarding this matter.



**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Implementation of Section 17	)	
of the Cable Television Consumer	)	
Protection and Competition	)	
Act of 1992	)	
	)	ET Docket No. 93-7
Compatibility Between	)	
Cable Systems and Consumer	)	
Electronics Equipment	)	

**COMMENTS AND INFORMAL REQUEST FOR COMMISSION ACTION BY  
THE CITY OF AKRON, OHIO, AND SURROUNDING MUNICIPALITIES  
(COLLECTIVELY "AKRON AREA CITIES")**

**I. INTRODUCTION**

In its First Report and Order, in ET Docket 93-7, released May 4, 1994, the Federal Communications Commission ("FCC" or "Commission") issued regulations designed to enhance the compatibility between cable television systems and consumer electronics equipment in accordance with Section 17 of the Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act"). These Comments are filed pursuant to Section 1.41 of the Commission's rules, as an Informal Request for Commission Action. In these Comments, the communities of Akron, Barberton, Stow, Tallmadge, Fairlawn, Mogadore, Silver Lake, Doylestown, and Springfield Township, Ohio (collectively, "Akron Area Cities") urge the Commission to take immediate action to prohibit channel scrambling on all regulated service tiers.

In deliberating and reaching agreement on the consumer electronics/cable system compatibility issue, the U.S. Senate and House of Representatives concluded that the Commission should determine whether and, if so, under what circumstances cable operators